

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:09CR3023
	)	
v.	)	
	)	
MATTHEW A. CAMPBELL,	)	MEMORANDUM AND ORDER
	)	
Defendant.	)	
_____	)	

After the initial sentencing hearing, and by e-mail, I requested that the probation officer, Ms. Jen Baker, obtain all of the investigative reports mentioned in paragraph 13 of the presentence report (PSR) and all of the actual videos and images mentioned in paragraph 13 of the PSR. In the e-mail, a copy of which was provided to counsel, I gave each lawyer an opportunity to object, but no objection was lodged.

Upon receipt of my request, Ms. Baker contacted the prosecutor to obtain the materials. The prosecutor promptly responded and provided the requested materials. (*See* filing 92 (a letter from the prosecutor detailing the items submitted to the court in response to my request and an explanation that certain of the images could not be proven to have been knowingly possessed by the defendant). The items themselves are now kept by the Clerk in a separate folder that has *not* been uploaded to CM/ECF. (*See* Clerk's text notation dated August 4, 2010: "ATTACHMENTS( 2 CDS and PAPER DOCUMENTS) ARE ALSO RESTRICTED AND MAINTAINED IN THE CLERK'S OFFICE AT THE DIRECTION OF JUDGE KOPF.")

I have reviewed the letter, the paper documents and the CDs. They are all relevant and material to the sentencing issues. Therefore,

IT IS ORDERED that I take judicial notice of the government's letter to me and the materials provided by the government (*see* filing 92). If the prosecution or the defense object to me taking judicial notice of these materials, such an objection shall be made in writing and filed in the court file within 14 days of the date of this order. If an objection is filed, I will then reconsider my decision to take judicial notice and rule accordingly.

DATED this 6<sup>th</sup> day of August, 2010.

BY THE COURT:

*Richard G. Kopf*

United States District Judge